

## R E M A R K S

Applicants are filing this Reply and Response under 37 CFR §1.111 in response to the Examiner's Restriction requirement and Election of claims for prosecution under 35 U.S.C. § 121 and rejection of Applicants' Claims 14, 15, 18 and 22-23 under 35 U.S.C. § 112 and provisional rejection of Claims 1-26 under the judicially created doctrine of obviousness-type double patenting.

### The Election/Restrictions

In the Office Action, mailed May 10, 2005 the Examiner required affirmation of the election made without traverse to prosecute the invention of Group I, Claims 1-26 and withdrawal of Claims 27-48 from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Applicants made a provisional election in a preliminary amendment filed on April 4, 2005 under 35 U.S.C. § 121 to prosecute the invention of Group I, claims 1-26.

Group I.        Claims 1-26, drawn to a catalyst and method for the production thereof, classified in class 502, subclass 78.

Group II.       Claims 27-48, drawn to an alkylation process, classified in class 585, subclass 400+.

Applicants affirm the election without traverse of Group I, Claims 1-26, for prosecution on the merits. Group II, Claims 27-48, have been cancelled without prejudice to Applicants filing a divisional application to the subject matter contained therein.

## Claim Objections

### Claims

In Claim 4, line 2, "to" should be replaced by "or".

Claim 4 has been amended to replace "to" by "or" to obviate the Examiner's objection.

### The Rejections

#### Claim Rejections – 35 USC § 112

Claim 14, 15, 18 is rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states:

Claim 18 recites a catalyst "prepared by the process of claim 13", but claim 13 is not a process claim.

Claims 14, 15 and 22-23 are indefinite in the recitation of "suitable" because this is not defined terminology.

#### Claim 18

To obviate the Examiner's rejection, Claim 18 has been amended to correct the error by replacing "prepared by the process" with "using the catalyst composite."

### Claims 14, 15 and 22-23

Claims 14 and 22 are cancelled to obviate the rejection under 35 USC § 112, second paragraph and to further the prosecution. Claims 15 and 23 have been amended to correct their dependency.

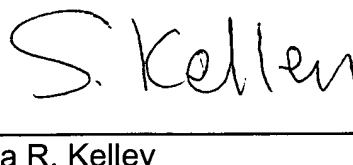
### Double Patenting

The Examiner has provisionally rejected Applicants' Claims 1-26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 68-85 of Applicants' co-pending Application No. 10/799,907. The Examiner has found the conflicting claims not identical, but not patently distinct from each other because they differ from one another only in that the co-pending claims require zeolite Y. This component is not excluded from the instant claims however.

A terminal disclaimer is filed with this paper to obviate the Examiner's rejection of Claims 1-26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 68-85 of Applicants' co-pending Application No. 10/799,90 and to further prosecution.

For the foregoing reasons, it is submitted that Applicants' amended Claims 1-24 particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, allowance of amended Claims 1-24 is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "S. Kelley". The signature is written in black ink and is positioned above a horizontal line.

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Enclosure  
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